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LRB094 11229 DRH 43373 a

1 AMENDMENT TO HOUSE BILL 3648

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3648 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-501.6 as follows:

6 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

7 Sec. 11-501.6. Driver involvement in serious personal  
8 injury or fatal motor vehicle accident - chemical test.

9 (a) Any person who drives or is in actual control of a  
10 motor vehicle upon the public highways of this State and who  
11 has been involved in a personal injury or fatal motor vehicle  
12 accident, shall be deemed to have given consent to a breath  
13 test using a portable device as approved by the Department of  
14 State Police or to a chemical test or tests of blood, breath,  
15 or urine for the purpose of determining the content of alcohol,  
16 other drug or drugs, or intoxicating compound or compounds of  
17 such person's blood ~~if arrested as evidenced by the issuance of~~  
18 ~~a Uniform Traffic Ticket for any violation of the Illinois~~  
19 ~~Vehicle Code or a similar provision of a local ordinance, with~~  
20 ~~the exception of equipment violations contained in Chapter 12~~  
21 ~~of this Code, or similar provisions of local ordinances.~~ The  
22 test or tests must ~~shall~~ be administered at the direction of a  
23 law enforcement ~~the arresting~~ officer to any person who has  
24 driven or been in actual control of a motor vehicle upon the

1 public highways of this State that has been involved in a fatal  
2 motor vehicle accident or in an accident in which one or more  
3 persons suffered injuries that included severely bleeding  
4 wounds, distorted extremities, or injuries that require the  
5 injured party to be carried from the scene. The law enforcement  
6 agency employing the officer shall designate which of the  
7 aforesaid tests shall be administered. A urine test may be  
8 administered even after a blood or breath test or both has been  
9 administered. Compliance with this Section does not relieve  
10 such person from the requirements of Section 11-501.1 of this  
11 Code.

12 (b) Any person who is dead, unconscious or who is otherwise  
13 in a condition rendering such person incapable of refusal shall  
14 be deemed not to have withdrawn the consent provided by  
15 subsection (a) of this Section. In addition, if a driver of a  
16 vehicle is receiving medical treatment as a result of a motor  
17 vehicle accident, any physician licensed to practice medicine,  
18 registered nurse or a phlebotomist acting under the direction  
19 of a licensed physician shall withdraw blood for testing  
20 purposes to ascertain the presence of alcohol, other drug or  
21 drugs, or intoxicating compound or compounds, upon the specific  
22 request of a law enforcement officer. However, no such testing  
23 shall be performed until, in the opinion of the medical  
24 personnel on scene, the withdrawal can be made without  
25 interfering with or endangering the well-being of the patient.

26 (c) A person requested to submit to a test as provided  
27 above shall be warned by the law enforcement officer requesting  
28 the test that a refusal to submit to the test, or submission to  
29 the test resulting in an alcohol concentration of 0.08 or more,  
30 or any amount of a drug, substance, or intoxicating compound  
31 resulting from the unlawful use or consumption of cannabis, as  
32 covered by the Cannabis Control Act, a controlled substance  
33 listed in the Illinois Controlled Substances Act, or an  
34 intoxicating compound listed in the Use of Intoxicating

1 Compounds Act as detected in such person's blood or urine, may  
2 result in the suspension of such person's privilege to operate  
3 a motor vehicle. The length of the suspension shall be the same  
4 as outlined in Section 6-208.1 of this Code regarding statutory  
5 summary suspensions.

6 (d) If the person refuses testing or submits to a test  
7 which discloses an alcohol concentration of 0.08 or more, or  
8 any amount of a drug, substance, or intoxicating compound in  
9 such person's blood or urine resulting from the unlawful use or  
10 consumption of cannabis listed in the Cannabis Control Act, a  
11 controlled substance listed in the Illinois Controlled  
12 Substances Act, or an intoxicating compound listed in the Use  
13 of Intoxicating Compounds Act, the law enforcement officer  
14 shall immediately submit a sworn report to the Secretary of  
15 State on a form prescribed by the Secretary, certifying that  
16 the test or tests were requested pursuant to subsection (a) and  
17 the person refused to submit to a test or tests or submitted to  
18 testing which disclosed an alcohol concentration of 0.08 or  
19 more, or any amount of a drug, substance, or intoxicating  
20 compound in such person's blood or urine, resulting from the  
21 unlawful use or consumption of cannabis listed in the Cannabis  
22 Control Act, a controlled substance listed in the Illinois  
23 Controlled Substances Act, or an intoxicating compound listed  
24 in the Use of Intoxicating Compounds Act.

25 Upon receipt of the sworn report of a law enforcement  
26 officer, the Secretary shall enter the suspension to the  
27 individual's driving record and the suspension shall be  
28 effective on the 46th day following the date notice of the  
29 suspension was given to the person.

30 The law enforcement officer submitting the sworn report  
31 shall serve immediate notice of this suspension on the person  
32 and such suspension shall be effective on the 46th day  
33 following the date notice was given.

34 In cases where the blood alcohol concentration of 0.08 or

1 more, or any amount of a drug, substance, or intoxicating  
2 compound resulting from the unlawful use or consumption of  
3 cannabis as listed in the Cannabis Control Act, a controlled  
4 substance listed in the Illinois Controlled Substances Act, or  
5 an intoxicating compound listed in the Use of Intoxicating  
6 Compounds Act, is established by a subsequent analysis of blood  
7 or urine collected at the time of arrest, the arresting officer  
8 shall give notice as provided in this Section or by deposit in  
9 the United States mail of such notice in an envelope with  
10 postage prepaid and addressed to such person at his address as  
11 shown on the Uniform Traffic Ticket and the suspension shall be  
12 effective on the 46th day following the date notice was given.

13       Upon receipt of the sworn report of a law enforcement  
14 officer, the Secretary shall also give notice of the suspension  
15 to the driver by mailing a notice of the effective date of the  
16 suspension to the individual. However, should the sworn report  
17 be defective by not containing sufficient information or be  
18 completed in error, the notice of the suspension shall not be  
19 mailed to the person or entered to the driving record, but  
20 rather the sworn report shall be returned to the issuing law  
21 enforcement agency.

22       (e) A driver may contest this suspension of his driving  
23 privileges by requesting an administrative hearing with the  
24 Secretary in accordance with Section 2-118 of this Code. At the  
25 conclusion of a hearing held under Section 2-118 of this Code,  
26 the Secretary may rescind, continue, or modify the order of  
27 suspension. If the Secretary does not rescind the order, a  
28 restricted driving permit may be granted by the Secretary upon  
29 application being made and good cause shown. A restricted  
30 driving permit may be granted to relieve undue hardship to  
31 allow driving for employment, educational, and medical  
32 purposes as outlined in Section 6-206 of this Code. The  
33 provisions of Section 6-206 of this Code shall apply.

34       (f) (Blank).

1 (g) For the purposes of this Section, a personal injury  
2 shall include any type A injury as indicated on the traffic  
3 accident report completed by a law enforcement officer that  
4 requires immediate professional attention in either a doctor's  
5 office or a medical facility. A type A injury shall include  
6 severely bleeding wounds, distorted extremities, and injuries  
7 that require the injured party to be carried from the scene.

8 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,  
9 eff. 7-29-99; 91-828, eff. 1-1-01.)

10 Section 10. The Unified Code of Corrections is amended by  
11 changing Sections 5-5-3.2 and 5-6-1 as follows:

12 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

13 Sec. 5-5-3.2. Factors in Aggravation.

14 (a) The following factors shall be accorded weight in favor  
15 of imposing a term of imprisonment or may be considered by the  
16 court as reasons to impose a more severe sentence under Section  
17 5-8-1:

18 (1) the defendant's conduct caused or threatened  
19 serious harm;

20 (2) the defendant received compensation for committing  
21 the offense;

22 (3) the defendant has a history of prior delinquency or  
23 criminal activity;

24 (4) the defendant, by the duties of his office or by  
25 his position, was obliged to prevent the particular offense  
26 committed or to bring the offenders committing it to  
27 justice;

28 (5) the defendant held public office at the time of the  
29 offense, and the offense related to the conduct of that  
30 office;

31 (6) the defendant utilized his professional reputation  
32 or position in the community to commit the offense, or to

1 afford him an easier means of committing it;

2 (7) the sentence is necessary to deter others from  
3 committing the same crime;

4 (8) the defendant committed the offense against a  
5 person 60 years of age or older or such person's property;

6 (9) the defendant committed the offense against a  
7 person who is physically handicapped or such person's  
8 property;

9 (10) by reason of another individual's actual or  
10 perceived race, color, creed, religion, ancestry, gender,  
11 sexual orientation, physical or mental disability, or  
12 national origin, the defendant committed the offense  
13 against (i) the person or property of that individual; (ii)  
14 the person or property of a person who has an association  
15 with, is married to, or has a friendship with the other  
16 individual; or (iii) the person or property of a relative  
17 (by blood or marriage) of a person described in clause (i)  
18 or (ii). For the purposes of this Section, "sexual  
19 orientation" means heterosexuality, homosexuality, or  
20 bisexuality;

21 (11) the offense took place in a place of worship or on  
22 the grounds of a place of worship, immediately prior to,  
23 during or immediately following worship services. For  
24 purposes of this subparagraph, "place of worship" shall  
25 mean any church, synagogue or other building, structure or  
26 place used primarily for religious worship;

27 (12) the defendant was convicted of a felony committed  
28 while he was released on bail or his own recognizance  
29 pending trial for a prior felony and was convicted of such  
30 prior felony, or the defendant was convicted of a felony  
31 committed while he was serving a period of probation,  
32 conditional discharge, or mandatory supervised release  
33 under subsection (d) of Section 5-8-1 for a prior felony;

34 (13) the defendant committed or attempted to commit a

1 felony while he was wearing a bulletproof vest. For the  
2 purposes of this paragraph (13), a bulletproof vest is any  
3 device which is designed for the purpose of protecting the  
4 wearer from bullets, shot or other lethal projectiles;

5 (14) the defendant held a position of trust or  
6 supervision such as, but not limited to, family member as  
7 defined in Section 12-12 of the Criminal Code of 1961,  
8 teacher, scout leader, baby sitter, or day care worker, in  
9 relation to a victim under 18 years of age, and the  
10 defendant committed an offense in violation of Section  
11 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
12 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
13 against that victim;

14 (15) the defendant committed an offense related to the  
15 activities of an organized gang. For the purposes of this  
16 factor, "organized gang" has the meaning ascribed to it in  
17 Section 10 of the Streetgang Terrorism Omnibus Prevention  
18 Act;

19 (16) the defendant committed an offense in violation of  
20 one of the following Sections while in a school, regardless  
21 of the time of day or time of year; on any conveyance  
22 owned, leased, or contracted by a school to transport  
23 students to or from school or a school related activity; on  
24 the real property of a school; or on a public way within  
25 1,000 feet of the real property comprising any school:  
26 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
27 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
28 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
29 33A-2 of the Criminal Code of 1961;

30 (16.5) the defendant committed an offense in violation  
31 of one of the following Sections while in a day care  
32 center, regardless of the time of day or time of year; on  
33 the real property of a day care center, regardless of the  
34 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care  
2 center, regardless of the time of day or time of year:  
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
5 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
6 33A-2 of the Criminal Code of 1961;

7 (17) the defendant committed the offense by reason of  
8 any person's activity as a community policing volunteer or  
9 to prevent any person from engaging in activity as a  
10 community policing volunteer. For the purpose of this  
11 Section, "community policing volunteer" has the meaning  
12 ascribed to it in Section 2-3.5 of the Criminal Code of  
13 1961;

14 (18) the defendant committed the offense in a nursing  
15 home or on the real property comprising a nursing home. For  
16 the purposes of this paragraph (18), "nursing home" means a  
17 skilled nursing or intermediate long term care facility  
18 that is subject to license by the Illinois Department of  
19 Public Health under the Nursing Home Care Act; ~~or~~

20 (19) the defendant was a federally licensed firearm  
21 dealer and was previously convicted of a violation of  
22 subsection (a) of Section 3 of the Firearm Owners  
23 Identification Card Act and has now committed either a  
24 felony violation of the Firearm Owners Identification Card  
25 Act or an act of armed violence while armed with a firearm;  
26 or.

27 (20) the defendant (i) committed the offense of  
28 reckless driving or aggravated reckless driving under  
29 Section 11-503 of the Illinois Vehicle Code 1961 and (ii)  
30 was operating a motor vehicle in excess of 20 miles per  
31 hour over the posted speed limit as provided in Article VI  
32 of Chapter 11 of the Illinois Vehicle Code.

33 For the purposes of this Section:

34 "School" is defined as a public or private elementary or

1 secondary school, community college, college, or university.

2 "Day care center" means a public or private State certified  
3 and licensed day care center as defined in Section 2.09 of the  
4 Child Care Act of 1969 that displays a sign in plain view  
5 stating that the property is a day care center.

6 (b) The following factors may be considered by the court as  
7 reasons to impose an extended term sentence under Section 5-8-2  
8 upon any offender:

9 (1) When a defendant is convicted of any felony, after  
10 having been previously convicted in Illinois or any other  
11 jurisdiction of the same or similar class felony or greater  
12 class felony, when such conviction has occurred within 10  
13 years after the previous conviction, excluding time spent  
14 in custody, and such charges are separately brought and  
15 tried and arise out of different series of acts; or

16 (2) When a defendant is convicted of any felony and the  
17 court finds that the offense was accompanied by  
18 exceptionally brutal or heinous behavior indicative of  
19 wanton cruelty; or

20 (3) When a defendant is convicted of voluntary  
21 manslaughter, second degree murder, involuntary  
22 manslaughter or reckless homicide in which the defendant  
23 has been convicted of causing the death of more than one  
24 individual; or

25 (4) When a defendant is convicted of any felony  
26 committed against:

27 (i) a person under 12 years of age at the time of  
28 the offense or such person's property;

29 (ii) a person 60 years of age or older at the time  
30 of the offense or such person's property; or

31 (iii) a person physically handicapped at the time  
32 of the offense or such person's property; or

33 (5) In the case of a defendant convicted of aggravated  
34 criminal sexual assault or criminal sexual assault, when

1 the court finds that aggravated criminal sexual assault or  
2 criminal sexual assault was also committed on the same  
3 victim by one or more other individuals, and the defendant  
4 voluntarily participated in the crime with the knowledge of  
5 the participation of the others in the crime, and the  
6 commission of the crime was part of a single course of  
7 conduct during which there was no substantial change in the  
8 nature of the criminal objective; or

9 (6) When a defendant is convicted of any felony and the  
10 offense involved any of the following types of specific  
11 misconduct committed as part of a ceremony, rite,  
12 initiation, observance, performance, practice or activity  
13 of any actual or ostensible religious, fraternal, or social  
14 group:

15 (i) the brutalizing or torturing of humans or  
16 animals;

17 (ii) the theft of human corpses;

18 (iii) the kidnapping of humans;

19 (iv) the desecration of any cemetery, religious,  
20 fraternal, business, governmental, educational, or  
21 other building or property; or

22 (v) ritualized abuse of a child; or

23 (7) When a defendant is convicted of first degree  
24 murder, after having been previously convicted in Illinois  
25 of any offense listed under paragraph (c)(2) of Section  
26 5-5-3, when such conviction has occurred within 10 years  
27 after the previous conviction, excluding time spent in  
28 custody, and such charges are separately brought and tried  
29 and arise out of different series of acts; or

30 (8) When a defendant is convicted of a felony other  
31 than conspiracy and the court finds that the felony was  
32 committed under an agreement with 2 or more other persons  
33 to commit that offense and the defendant, with respect to  
34 the other individuals, occupied a position of organizer,

1 supervisor, financier, or any other position of management  
2 or leadership, and the court further finds that the felony  
3 committed was related to or in furtherance of the criminal  
4 activities of an organized gang or was motivated by the  
5 defendant's leadership in an organized gang; or

6 (9) When a defendant is convicted of a felony violation  
7 of Section 24-1 of the Criminal Code of 1961 and the court  
8 finds that the defendant is a member of an organized gang;  
9 or

10 (10) When a defendant committed the offense using a  
11 firearm with a laser sight attached to it. For purposes of  
12 this paragraph (10), "laser sight" has the meaning ascribed  
13 to it in Section 24.6-5 of the Criminal Code of 1961; or

14 (11) When a defendant who was at least 17 years of age  
15 at the time of the commission of the offense is convicted  
16 of a felony and has been previously adjudicated a  
17 delinquent minor under the Juvenile Court Act of 1987 for  
18 an act that if committed by an adult would be a Class X or  
19 Class 1 felony when the conviction has occurred within 10  
20 years after the previous adjudication, excluding time  
21 spent in custody; or

22 (12) When a defendant commits an offense involving the  
23 illegal manufacture of a controlled substance under  
24 Section 401 of the Illinois Controlled Substances Act or  
25 the illegal possession of explosives and an emergency  
26 response officer in the performance of his or her duties is  
27 killed or injured at the scene of the offense while  
28 responding to the emergency caused by the commission of the  
29 offense. In this paragraph (12), "emergency" means a  
30 situation in which a person's life, health, or safety is in  
31 jeopardy; and "emergency response officer" means a peace  
32 officer, community policing volunteer, fireman, emergency  
33 medical technician-ambulance, emergency medical  
34 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical  
2 assistance or first aid personnel, or hospital emergency  
3 room personnel.

4 (b-1) For the purposes of this Section, "organized gang"  
5 has the meaning ascribed to it in Section 10 of the Illinois  
6 Streetgang Terrorism Omnibus Prevention Act.

7 (c) The court may impose an extended term sentence under  
8 Section 5-8-2 upon any offender who was convicted of aggravated  
9 criminal sexual assault or predatory criminal sexual assault of  
10 a child under subsection (a)(1) of Section 12-14.1 of the  
11 Criminal Code of 1961 where the victim was under 18 years of  
12 age at the time of the commission of the offense.

13 (d) The court may impose an extended term sentence under  
14 Section 5-8-2 upon any offender who was convicted of unlawful  
15 use of weapons under Section 24-1 of the Criminal Code of 1961  
16 for possessing a weapon that is not readily distinguishable as  
17 one of the weapons enumerated in Section 24-1 of the Criminal  
18 Code of 1961.

19 (Source: P.A. 91-119, eff. 1-1-00; 91-120, eff. 7-15-99;  
20 91-252, eff. 1-1-00; 91-267, eff. 1-1-00; 91-268, eff. 1-1-00;  
21 91-357, eff. 7-29-99; 91-437, eff. 1-1-00; 91-696, eff.  
22 4-13-00; 92-266, eff. 1-1-02.)

23 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

24 Sec. 5-6-1. Sentences of Probation and of Conditional  
25 Discharge and Disposition of Supervision. The General Assembly  
26 finds that in order to protect the public, the criminal justice  
27 system must compel compliance with the conditions of probation  
28 by responding to violations with swift, certain and fair  
29 punishments and intermediate sanctions. The Chief Judge of each  
30 circuit shall adopt a system of structured, intermediate  
31 sanctions for violations of the terms and conditions of a  
32 sentence of probation, conditional discharge or disposition of  
33 supervision.

1 (a) Except where specifically prohibited by other  
2 provisions of this Code, the court shall impose a sentence of  
3 probation or conditional discharge upon an offender unless,  
4 having regard to the nature and circumstance of the offense,  
5 and to the history, character and condition of the offender,  
6 the court is of the opinion that:

7 (1) his imprisonment or periodic imprisonment is  
8 necessary for the protection of the public; or

9 (2) probation or conditional discharge would deprecate  
10 the seriousness of the offender's conduct and would be  
11 inconsistent with the ends of justice; or

12 (3) a combination of imprisonment with concurrent or  
13 consecutive probation when an offender has been admitted  
14 into a drug court program under Section 20 of the Drug  
15 Court Treatment Act is necessary for the protection of the  
16 public and for the rehabilitation of the offender.

17 The court shall impose as a condition of a sentence of  
18 probation, conditional discharge, or supervision, that the  
19 probation agency may invoke any sanction from the list of  
20 intermediate sanctions adopted by the chief judge of the  
21 circuit court for violations of the terms and conditions of the  
22 sentence of probation, conditional discharge, or supervision,  
23 subject to the provisions of Section 5-6-4 of this Act.

24 (b) The court may impose a sentence of conditional  
25 discharge for an offense if the court is of the opinion that  
26 neither a sentence of imprisonment nor of periodic imprisonment  
27 nor of probation supervision is appropriate.

28 (b-1) Subsections (a) and (b) of this Section do not apply  
29 to a defendant charged with a misdemeanor or felony under the  
30 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
31 the Criminal Code of 1961 if the defendant within the past 12  
32 months has been convicted of or pleaded guilty to a misdemeanor  
33 or felony under the Illinois Vehicle Code or reckless homicide  
34 under Section 9-3 of the Criminal Code of 1961.

1 (c) The court may, upon a plea of guilty or a stipulation  
2 by the defendant of the facts supporting the charge or a  
3 finding of guilt, defer further proceedings and the imposition  
4 of a sentence, and enter an order for supervision of the  
5 defendant, if the defendant is not charged with: (i) a Class A  
6 misdemeanor, as defined by the following provisions of the  
7 Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1;  
8 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph  
9 (1) through (5), (8), (10), and (11) of subsection (a) of  
10 Section 24-1; (ii) a Class A misdemeanor violation of Section  
11 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or  
12 (iii) felony. If the defendant is not barred from receiving an  
13 order for supervision as provided in this subsection, the court  
14 may enter an order for supervision after considering the  
15 circumstances of the offense, and the history, character and  
16 condition of the offender, if the court is of the opinion that:

17 (1) the offender is not likely to commit further  
18 crimes;

19 (2) the defendant and the public would be best served  
20 if the defendant were not to receive a criminal record; and

21 (3) in the best interests of justice an order of  
22 supervision is more appropriate than a sentence otherwise  
23 permitted under this Code.

24 (d) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 11-501 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance when  
27 the defendant has previously been:

28 (1) convicted for a violation of Section 11-501 of the  
29 Illinois Vehicle Code or a similar provision of a local  
30 ordinance or any similar law or ordinance of another state;  
31 or

32 (2) assigned supervision for a violation of Section  
33 11-501 of the Illinois Vehicle Code or a similar provision  
34 of a local ordinance or any similar law or ordinance of

1 another state; or

2 (3) pleaded guilty to or stipulated to the facts  
3 supporting a charge or a finding of guilty to a violation  
4 of Section 11-503 of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance or any similar law or  
6 ordinance of another state, and the plea or stipulation was  
7 the result of a plea agreement.

8 The court shall consider the statement of the prosecuting  
9 authority with regard to the standards set forth in this  
10 Section.

11 (e) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating Section 16A-3 of the Criminal  
13 Code of 1961 if said defendant has within the last 5 years  
14 been:

15 (1) convicted for a violation of Section 16A-3 of the  
16 Criminal Code of 1961; or

17 (2) assigned supervision for a violation of Section  
18 16A-3 of the Criminal Code of 1961.

19 The court shall consider the statement of the prosecuting  
20 authority with regard to the standards set forth in this  
21 Section.

22 (f) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Sections 15-111, 15-112,  
24 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
25 Section 11-1414 of the Illinois Vehicle Code or a similar  
26 provision of a local ordinance.

27 (g) Except as otherwise provided in paragraph (i) of this  
28 Section, the provisions of paragraph (c) shall not apply to a  
29 defendant charged with violating Section 3-707, 3-708, 3-710,  
30 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
31 of a local ordinance if the defendant has within the last 5  
32 years been:

33 (1) convicted for a violation of Section 3-707, 3-708,  
34 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance; or

2 (2) assigned supervision for a violation of Section  
3 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
4 Code or a similar provision of a local ordinance.

5 The court shall consider the statement of the prosecuting  
6 authority with regard to the standards set forth in this  
7 Section.

8 (h) The provisions of paragraph (c) shall not apply to a  
9 defendant under the age of 21 years charged with violating a  
10 serious traffic offense as defined in Section 1-187.001 of the  
11 Illinois Vehicle Code:

12 (1) unless the defendant, upon payment of the fines,  
13 penalties, and costs provided by law, agrees to attend and  
14 successfully complete a traffic safety program approved by  
15 the court under standards set by the Conference of Chief  
16 Circuit Judges. The accused shall be responsible for  
17 payment of any traffic safety program fees. If the accused  
18 fails to file a certificate of successful completion on or  
19 before the termination date of the supervision order, the  
20 supervision shall be summarily revoked and conviction  
21 entered. The provisions of Supreme Court Rule 402 relating  
22 to pleas of guilty do not apply in cases when a defendant  
23 enters a guilty plea under this provision; or

24 (2) if the defendant has previously been sentenced  
25 under the provisions of paragraph (c) on or after January  
26 1, 1998 for any serious traffic offense as defined in  
27 Section 1-187.001 of the Illinois Vehicle Code.

28 (i) The provisions of paragraph (c) shall not apply to a  
29 defendant charged with violating Section 3-707 of the Illinois  
30 Vehicle Code or a similar provision of a local ordinance if the  
31 defendant has been assigned supervision for a violation of  
32 Section 3-707 of the Illinois Vehicle Code or a similar  
33 provision of a local ordinance.

34 (j) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 6-303 of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance when  
3 the revocation or suspension was for a violation of Section  
4 11-501 or a similar provision of a local ordinance, a violation  
5 of Section 11-501.1 or paragraph (b) of Section 11-401 of the  
6 Illinois Vehicle Code, or a violation of Section 9-3 of the  
7 Criminal Code of 1961 if the defendant has within the last 10  
8 years been:

9 (1) convicted for a violation of Section 6-303 of the  
10 Illinois Vehicle Code or a similar provision of a local  
11 ordinance; or

12 (2) assigned supervision for a violation of Section  
13 6-303 of the Illinois Vehicle Code or a similar provision  
14 of a local ordinance.

15 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05.)".